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March 12, 2001 LB 114

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Chambers, you're recognized to open on your motion to bracket LB 114.

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. I'm very serious about this motion as I am serious about this bill. I would just like to point out that in an article that appeared in the World-Herald on March 10, an erroneous statement was put in the article. There's a paragraph which says the following: LB 114 would close a loophole that allows those younger than 21 to consume alcohol when they cannot legally possess it; create a presumption that minors have been drinking if they are found near alcohol and appear drunk. That is not what the bill says. It says if there are signs from observation of the minor having consumed alcohol. It says nothing about being drunk. So when reporters misstate, for whatever reason, what is contained in a bill, those of us who oppose it can be put into the role of those who are favoring youngsters being drunk. This bill, as I've stated, is very poorly crafted. Since this is a bracket motion rather than an amendment, I can go into some of the core aspects of the bill. The main thrust of it is to find a way to make a youngster amenable to arrest, prosecution and conviction for having consumed alcohol, other than at home or at church, and then their license to drive can be suspended or impounded and they will also be guilty of a Class III misdemeanor. We heap a punishment on top of punishment for these young people which would not be tolerated as a method of punishing adults. On page 2 of the green copy, this is the language that you find starting in line 13: "A minor in proximate location to alcoholic beverages at a place other than his or her permanent place of residence who exhibits through observation or testing signs of consumption of alcohol shall be presumed to have illegally consumed alcohol." Members of the Legislature, I'm speaking for the record this morning because this is a terrible bill and I know that it might be difficult to take an interest in what is being discussed, but there need to be some basic principles of criminal law laid out in the record. In America, the presumption is not of guilt; the presumption is of innocence. The ultimate fact to be proved in order to convict a person here is of having consumed alcohol as a minor. This bill creates a